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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,621	07/07/2003	Kazuhiko Hashimoto	MTS-3282US1	2604
23122	7590	06/27/2007		
RATNERPRESTIA P O BOX 980 VALLEY FORGE, PA 19482-0980			EXAMINER ASTORINO, MICHAEL C	
			ART UNIT 3736	PAPER NUMBER
			MAIL DATE 06/27/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/614,621

Applicant(s)

HASHIMOTO ET AL.

Examiner

Michael C. Astorino

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 20 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 34-47, 53-63 and 83-89 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 34-47, 53-63 and 83-89 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

The Examiner acknowledges the response filed March 20, 2007.

#### ***Priority***

Applicant cannot rely upon the foreign priority papers to overcome this rejection because a translation of said papers has not been made of record in accordance with 37 CFR 1.55. See MPEP § 201.15. Specifically, a translation is required of the foreign reference because the reference is not in the English Language.

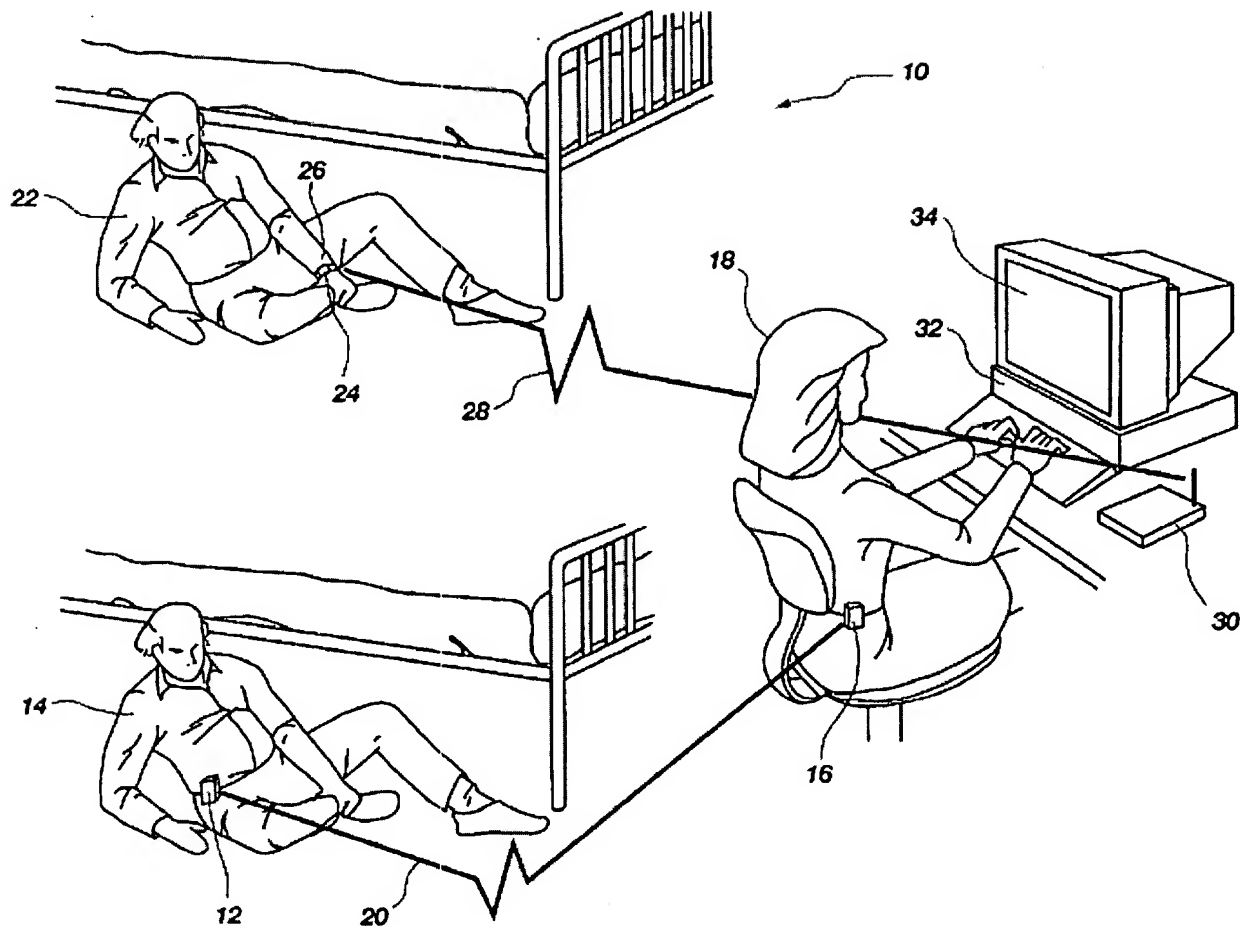
#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 34-47, 53-60, 63, and 83-89 are rejected under 35 U.S.C. 102(b) as being anticipated by Jacobsen et al. US Patent Number 6,160,478 B1.



A system for remotely monitoring a person's physical activity includes at least one accelerometer capable of measuring both the magnitude and direction of an acceleration. The acceleration data is processed to determine motion/position status and to decide whether there is a likelihood that the person has fallen, and if so, the likely direction that the person has fallen. Based on this data, the likely severity of the fall is calculated. If the severity of the fall is outside an acceptable limit, an alert state is reached upon which a signal is communicated to a remote monitoring unit. Likewise, various physiological conditions may be measured to determine the existence of any anomalous vital signs that would trigger an alarm state. If so, the remote

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monitoring unit will sound or otherwise communicate an alarm to a person associated with the remote monitoring unit.

It is also preferable that the sensor 58 be comprised of a three dimensional accelerometer, that is, that accelerations in all directions can be sensed. Thus, in the situation when the processor 54 determines that a fall has likely occurred, the severity of the fall may also be likely increased if the fall occurred backwards or to the side. In any event, once the processor 54 has determined that a fall has likely occurred, the communications device 56 transmits an alert signal to a remote unit (not shown). In addition, it may be preferable to provide a speaker 64 from which a beep or other alarm may sound to warn the person being monitored that the processor 54 has detected a fall event. If indeed the person has fallen and is in need of assistance, the person need not do anything as an alarm signal, indicated by line 66, will automatically be transmitted. If, however, the processor has incorrectly sensed a fall, as may be the case if the person accidentally drops the monitoring unit 50 when removing it or if the person wearing the monitoring unit 50 causes the monitoring unit 50 to impact a stationary object, the person may disable or stop the alert signal 66 from being transmitted by pressing a button 68. Preferably, the button 68 must be pressed before the beep from the speaker 64 stops sounding (e.g., five seconds, ten seconds, etc.).

The monitoring unit 50 also includes a local area communications device 71, such as an RF signal receiver, that can receive RF signals from various other physiological sensors that may be disposed on the person being monitored. For example, such vital signs as heart rate, blood pressure, and other physiological conditions can be monitored through a plurality of sensors that transmit their readings in the form of wireless communication to the receiver 71. The receiver 71

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can then relay this information to the processing device 54 for a determination of whether the vital sign(s) are within normal parameters. For example, cardiac arrhythmias that can be correlated with the fall event may indicate a possible cause of the fall. If not, an alert signal 66, as previously discussed, may be transmitted.

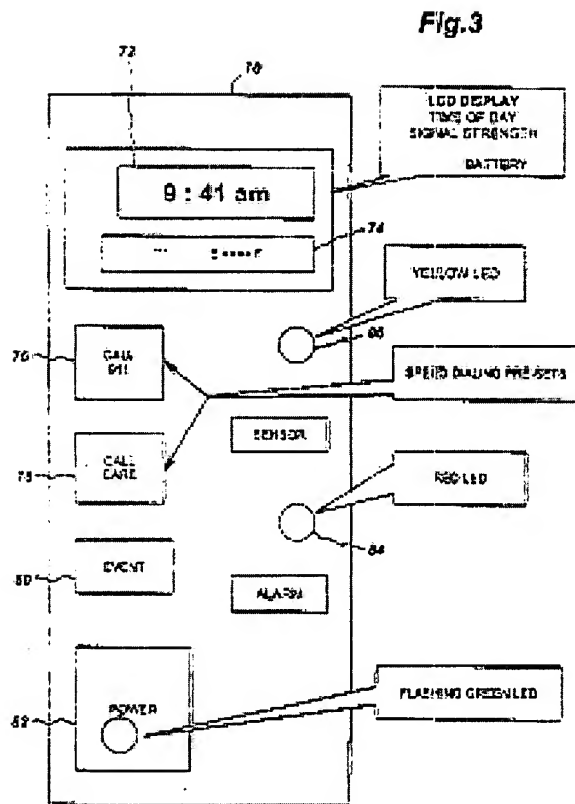
***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 61 and 62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jacobsen et al. US Patent Number 6,160,478 B1 in view of Schulze et al. US Patent Number US Patent Number 6,443,890 B1.

In regards to claim 61-62, Jacobsen et al. discloses everything except a button to notify an abnormality. However Schulze et al. teaches a button to notify an abnormality. see element numbers 84, and 86, see also column 5, lines 36-43; and see element numbers 76 and 80.



It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Jacobsen et al. in view of Schulze et al., since Schulze et al. states if the wearer believes an event has occurred and an alarm transmission has not been sent the event button 80 can be pressed and a signal generated associated with the event. This would further Jacobsen et al.'s purpose of remotely monitoring a person and providing assistance when the wearer in an abnormal condition.

### *Response to Arguments*

Applicant's arguments with respect to the pending claims have been considered but are moot in view of the new ground(s) of rejection.

**The Applicant is invited to request an interview to discuss suggestions to overcome the applied prior art.**

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael C. Astorino whose telephone number is 571-272-4723. The examiner can normally be reached on Monday-Friday, 8:30AM to 3:30PM.

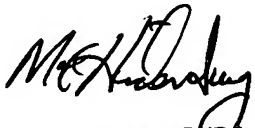
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Max Hindenburg can be reached on 571-272-4726. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MA  
June 25, 2007

  
MAX F. LINDENBURG  
SUSAN E. PATENT EXAMINER  
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